

FIJI

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	1967	Ordinance No. 11	3nm	
	Dec 76	Extension of Territorial Waters Act, 1976	12nm	
	Dec 77	Marine Spaces Act, No. 18	12nm	
	Oct 78	Marine Spaces Act (Amendment), No. 15		Recognized "innocent passage" of territorial sea and archipelagic waters for ships and aircraft.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Dec 77	Marine Spaces Act, No. 18		Enabling legislation for straight and archipelagic baselines.
	Apr 78	Marine Spaces (Declaration) Order		Established internal waters closing lines and archipelagic baselines by reference to charts. Diplomatic note to UN announcing the declaration of an archipelagic regime. The Government recognized its obligation to permit "transit sea and air passages" in and over its archipelagic waters. Continuing obligation to permit innocent passage also recognized.
	Oct 78	Marine Spaces Act (Amendment), No. 15		Modification of legislation to authorize archipelagic baselines around Rotuma archipelago; authorized designation of sea lanes and air lanes for transit passage.
	Dec 81	Marine Spaces Order, 1981 (Legal Notice No. 117)		Established archipelagic baseline regime. See <u>LIS</u> No. 101.
	Dec 81	Marine Spaces Order, 1981 (Legal Notice 118)		Promulgated coordinates for Rotumas straight baselines. See <u>LIS</u> No. 101.
	1984	Marine Spaces Act (Amendment), 1984		Enabling legislation for changing waters around Rotuma to internal waters.
III. CONTIGUOUS ZONE	1984	Marine Spaces Act 1984 (Amendment)	24nm	
IV. CONTINENTAL SHELF	Dec 70	Continental Shelf Act	1958 DEF	Enabled Minister to designate applicable area.
	Apr 71	Designation of Area Order by Minister for Natural Resources		Area lying between 15°30'S and 21° 30'S as bounded by 176° 30'E and 178°W

TYPE	DATE	SOURCE	LIMITS	NOTES
V. FISHING ZONE/EEZ	Dec 77	Marine Spaces Act, No. 18	200nm	Enabling legislation for EEZ
	Oct 78	Marine Spaces Act (Amendment)		
	Dec 81	Marine Spaces Order, 1981 (Legal Notice No. 117)	200nm	Established limits of EEZ.
VII. MARITIME BOUNDARIES	Jan 83	Agreement		Maritime boundary agreement with France (New Caledonia, Wallis and Futuna) signed.
VIII. LOS CONVENTION	Dec 84			Ratified.
	Jul 94			Signed Part XI Agreement.
	Jul 95			Ratified Part XI Agreement.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. ARCHIPELAGIC BASELINES

A. LEGISLATION. The important elements of the Fijian archipelagic claims are contained in the Marine Spaces Act No. 18 of December 1977, as amended by Act No. 15 of October 1978; and in subsequent Marine Spaces Orders 117 and 118 of December 1981. The following are extracts from the above legislation that pertain specifically to the archipelagic baseline regime and to internal waters and territorial seas claims:

Marine Spaces Act No. 18 of December 1977, as amended
by Act No. 15 of October 1978

PART II--MARINE SPACES

Internal Waters

3.--(1) Except where closing lines are drawn under the provisions of subsection (2) the outer limits of the internal waters of Fiji shall be a line drawn along the low-water line of the coast of each island, provided nevertheless that in the case of islands situated on atolls or islands having fringing reefs the line shall be drawn along the seaward low-water line of the reef.

(2) The Minister responsible for Foreign Affairs may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic datum, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of Fiji in the case of mouths of rivers, bays and permanent harbour works.

(3) Where closing lines are drawn under the provisions of subsection (2) the internal waters of Fiji shall include all waters on the landward side of those closing lines.

Archipelagic Waters

4.--(1) The archipelagic waters of Fiji comprise all areas of sea contained within the baselines established under the provisions of this section.

(2) The Minister responsible for Foreign Affairs, in accordance with the rules of international law may by order declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic datum, the

points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of Fiji and the innermost limits of the territorial sea of the Fiji archipelago and the Rotuma archipelago.

(Amended by 15 of 1978, s. 3.)

Territorial Seas

5.--(1) The territorial seas of Fiji comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines.

(2) Where archipelagic baselines are drawn under the provisions of section 4, those baselines shall be the baselines from which the breadth of the territorial sea of the Fiji archipelago and the Rotuma archipelago shall be measured.

(Amended by 15 of 1978, s. 5.)

(3) In all other cases the baseline from which the breadth of the territorial sea is measured is the line determining the outer limits of the internal waters of Fiji drawn under the provisions of section 3.

Marine Spaces Order No. 117

Baselines for the Fiji Archipelago

2. The points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of Fiji and the innermost limits of the territorial sea of the Fiji archipelago are declared to be the geographical coordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the First Schedule, minus 7 seconds of latitude and 14 seconds of longitude in each case.

FIRST SCHEDULE Archipelagic waters

Geographical Co-ordinates [WGS 72 Geodetic Datum]

No.	Latitude	Longitude
1	16° 05' 30" S	179° 08' 36" W
2	16° 44' 48" S	178° 55' 54" W
3	17° 05' 06" S	178° 40' 24" W
4	17° 10' 00" S	178° 37' 06" W
5	17° 55' 30" S	178° 14' 00" W
6	18° 18' 30" S	178° 12' 48" W
7	18° 53' 00" S	178° 21' 00" W
8	18° 57' 30" S	178° 19' 45" W
9	19° 14' 00" S	178° 18' 36" W
10	19° 48' 00" S	178° 13' 24" W
11	19° 53' 30" S	178° 16' 18" W
12	20° 39' 48" S	178° 41' 24" W
13	20° 59' 54" S	178° 44' 30" W
14	21° 01' 42" S	178° 50' 48" W
15	20° 44' 00" S	178° 53' 30" W
16	19° 12' 18" S	179° 44' 48" E
17	19° 11' 30" S	178° 06' 00" E
18	19° 10' 42" S	178° 00' 00" E
19	19° 08' 42" S	177° 57' 18" E
20	19° 07' 48" S	177° 56' 54" E
21	18° 36' 24" S	177° 39' 36" E
22	18° 07' 00" S	177° 19' 00" E
23	17° 56' 36" S	177° 12' 24" E
24	17° 38' 54" S	176° 59' 48" E
25	17° 11' 54" S	176° 52' 42" E

No.	Latitude	Longitude
26	17° 09' 24" S	176° 53' 30" E
27	17° 06' 54" S	176° 54' 36" E
28	16° 47' 00" S	177° 17' 00" E
29	16° 39' 06" S	177° 34' 24" E
30	16° 26' 24" S	178° 05' 48" E
31	16° 19' 24" S	178° 27' 12" E
32	16° 10' 30" S	179° 04' 00" E
33	15° 42' 30" S	179° 58' 30" W
34	15° 56' 54" S	179° 23' 30" W

Marine Spaces Order No. 118

Territorial Seas Baselines

2. The points between which straight baselines are to be drawn for the purpose of determining the innermost limits of the territorial seas of Rotuma and its dependencies are declared to be the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the Schedule, plus 3 seconds of latitude and plus 2 seconds of longitude in each case.

SCHEDULE

Geographical Co-ordinates
[WGS72 Geodetic Datum]

No.	Latitude	Longitude
1	12° 28' 41" S	177° 07' 29" E
2	12° 29' 42" S	177° 08' 21" E
3	12° 29' 54" S	177° 08' 30" E
4	12° 30' 18" S	177° 08' 39" E
5	12° 31' 19" S	177° 08' 51" E
6	12° 31' 39" S	177° 08' 50" E
7	12° 31' 45" S	177° 08' 48" E
8	12° 31' 54" S	177° 08' 30" E
9	12° 31' 40" S	177° 06' 54" E
10	12° 31' 43" S	177° 05' 21" E
11	12° 31' 21" S	177° 01' 54" E
12	12° 29' 58" S	176° 56' 04" E
13	12° 29' 53" S	176° 55' 59" E
14	12° 29' 50" S	176° 56' 02" E
15	12° 28' 33" S	176° 57' 41" E
16	12° 28' 10" S	176° 58' 15" E
17	12° 27' 47" S	176° 59' 11" E
18	12° 27' 44" S	176° 59' 20" E
19	12° 27' 46" S	176° 59' 35" E

B. ANALYSIS The following explanatory comments are extracts from Limits in the Seas, No. 101, "Fiji's Maritime Claims," 30 November 1984. An unofficial map of the claims around Rotuma and adjacent islands that appeared in the Limits study.

Fiji, an island state situated in the southwest Pacific Ocean, comprises about 320 islands ranging in size from Viti Levu (10,390 square kilometers) to uninhabited rocks a few square meters in area (see map attached). The total land area of Fiji (not including the water area within the fringing reefs) is approximately 18,272 square kilometers. The capital city of Suva is located on the southeast coast of Viti Levu.

With the exception of some outlying islands, the so-called Fiji Archipelago generally forms a circular configuration. The distances between extreme Fijian islands are approximately 570 nautical miles (1,055 kilometers) between the northern island of Rotuma and Ceva-i-Ra in the south and about 288 nautical miles (533 kilometers) between the easternmost island in the Lau Group (on the Mbukatatanoa Reefs) and Viwa Island in the west.*

For the purpose of its Marine Spaces Act, the Government of Fiji has distinguished the Fiji Archipelago from the Island of Rotuma and its dependencies and from the island of Ceva-i-Ra. Separate baseline systems are defined for each of these areas. Because of distances between Rotuma and the main island group and between Ceva-i-Ra and the main island group, it was impossible for Fiji, under the provisions of the 1982 Law of the Sea Convention (LOS Convention), to draw one archipelagic baseline system that would incorporate every Fijian island.*

Baselines

Fiji's legislation establishes two different types of baselines. Archipelagic baselines join most of the country's islands to form the Fiji Archipelago; seaward of those baselines is the territorial sea and high seas, landward of them are archipelagic waters and internal waters. The other type of baseline delimits the internal waters from archipelagic waters (if situated inside archipelagic baselines) or from the territorial sea (as in the Rotuma Island area).

The archipelagic straight baseline system comprises 34 turning points and connects the outer points of the outer islands and drying reefs. . . . The baseline length criterion cited in Article 47(2) of the LOS Convention is met. . . . These baselines, along with the depiction of the internal waters and the territorial sea limit, are officially illustrated on Fiji Marine Spaces Chart 81/2 which is based on British Admiralty Chart 2691, 1970. . . .

. . . .

In the Marine Spaces Act Rotuma is defined as the "Rotuma archipelago" comprising Rotuma and its dependencies, which include about six smaller islands situated between 1.5 and 4.5 nautical miles to the west of Rotuma. Currently before Fiji's Parliament is an amendment to the Marine Space Act which, inter alia, deletes reference to Rotuma as an archipelago. Instead, the waters within the baselines are intended to be internal waters and not archipelagic waters. The baselines are shown on Fiji Marine Spaces Chart 81/1 titled, "Chart Showing Basepoints and Straight Baselines Enclosing the Internal Waters of Rotuma."

*Footnotes omitted.